contending that the right of wives to recover damages for personal injuries inflicted by their husbands will restrain rather than foster domestic discord.

INJUNCTIONS — NATURE AND SCOPE OF THE REMEDY — DISCRETION OF THE COURT TO REFUSE RELIEF ON GROUNDS OF PUBLIC CONVENIENCE. — Under a municipal franchise ordinance a company had permission to lay pipes in the street to conduct gas for heating purposes; but the ordinance expressly prohibited the use of the streets to supply gas for lighting purposes, in competition with the municipal lighting plant. The gas service given by the city was poor in quality. The city asked for an injunction restraining the company from supplying gas for lighting purposes, in violation of its franchise. *Held*, that the injunction should not be granted, because of the inconvenience it would cause to the public. *City of Wheeling* v. *Natural Gas Co. of West Virginia*, 82 S. E. 345 (W. Va.).

A court of equity may consider the convenience and interests of others than the litigants in exercising its discretion whether to grant its extraordinary relief by way of injunction. *Curran* v. *Holyoke Water Power Co.*, 116 Mass. 90; *Conger* v. *New York, W. S. & B. R. Co.*, 120 N. Y. 29, 23 N. E. 983. Thus one court refused relief to a water company whose exclusive franchise was being unlawfully invaded by a rival company, on the ground that the city needed the extra water supply. *Stein* v. *Bienville Water Supply Co.*, 32 Fed. 876. Another court refused to protect by injunction a factory owner, whose water supply was unlawfully diverted by a canal company, because of the importance of the canal as an artery of commerce. *Cameron Furnace Co.* v. *Pennsylvania Canal Co.*, 2 Pears. (Pa.) 209. Riparian land owners were denied relief against the pollution of the stream by a municipal sewer system on similar grounds. *Grey* v. *Paterson*, 60 N. J. Eq. 385, 45 Atl. 995. In England there is a tendency, however, not to permit questions of public convenience to interfere where the parties are otherwise clearly entitled to relief. *Lloyd* v. *London, Chatham and Dover Ry. Co.*, 34 L. J., Ch. 401. Indeed, the power to do so was vigorously denied by Lord Cranworth. See *Broadbent* v. *Imperial Gaslight Co.*, 26 L. J., Ch. 276, 283. But see *Woods* v. *Charing Cross Ry. Co.*, 33 Beav. 290. American courts are more liberal in this regard. *Johnson* v. *United Railways Co. of St. Louis*, 227 Mo. 423, 127 S. W. 63. *Cumming* v. *Board of Education*, 175 U. S. 528. The principal case is a striking example of the flexibility which this discretionary power gives to equitable procedure. *Newport* v. *Newport Light Co.*, 14 Ky. 845, 21 S. W. 645.

INTERSTATE COMMERCE — INTERSTATE COMMERCE COMMISSION — POWER OF THE COMMISSION TO FIX RATES. — In accordance with the provisions of the long and short-haul clause of the Act to Regulate Commerce, as amended, which provides that a carrier may not lawfully charge greater compensation for a shorter than for a longer haul over the same line, except when authorized by the Interstate Commerce Commission, seventeen carriers applied to the Commission for permission to continue the rates then in force, which involved higher rates to intermediate points than for the longer haul through to the coast. The Commission refused to grant this petition unqualifiedly, but entered an order dividing the country into zones and permitting a higher rate for the shorter haul, provided that a proportionate relation between the rates was maintained according to a percentage fixed by the Commission for each zone. The carriers refused to obey this order and commenced proceedings to enjoin the enforcement of the section, as unconstitutional, and in any event, of the order, as invalid under a proper construction of the amended section. *Held*, that the section is constitutional, and that the order does not exceed the powers conferred by it on the Commission. *The Intermountain Rate Cases*, 234 U. S. 476.

The courts made the original long and short-haul clause to a large extent ineffective by construing the phrase "under substantially similar circumstances and conditions" so that competition entitled the carrier to charge a lower rate for the longer haul without original authorization from the Commission. *Texas Pacific Ry. Co.* v. *Interstate Commerce Commission*, 162 U. S. 197; *Interstate Commerce Commission* v. *Alabama Midland Ry. Co.*, 168 U. S. 144. This phrase was struck out by the 1910 amendments and the principal case deals with the constitutionality and effect of the amended section. See 36 U. S. STAT. AT LARGE, 547. Undoubtedly the power to fix and regulate rates was one which Congress might constitutionally exercise, but the vital question concerns the validity of the delegation of this power to the Commission. Under modern conditions, with the increasing exercise of the federal power over commerce, it has become necessary and desirable for Congress to act to a large extent through such administrative tribunals. See this issue of the REVIEW, p. 95. To deny the constitutionality of such delegation would seriously impair effective federal control. That the section of the Commerce Act in question makes a real delegation of legislative power to the Commission seems indubitable, and the delegation extends further than any previous cases, in that Congress imposes no standard but the general scope and purposes of the act, a standard so vague as to amount in practice to nothing more than the discretion of the Commission itself. *New York, N. H. & H. R. Co.* v. *Interstate Commerce Commission*, 200 U. S. 361. The nearest approach to the principal case is the line of cases holding that Congress may empower the Secretary of War to order the removal of obstructions to navigation. *Union Bridge Co.* v. *United States*, 204 U. S. 364; *Monongahela Bridge Co.* v. *United States*, 216 U. S. 177. But the statute in these cases does not attempt to delegate nearly as extensive powers as the Commerce Act, for it lays down a fairly definite standard and empowers the Secretary to determine whether it applies to the particular circumstances. 30 U. S. STAT. AT LARGE, 1121, 1153. In sustaining the constitutionality of the clause involved in the principal case, therefore, the Supreme Court has allowed the delegation of very broad powers, and the decision will surely lead to further delegations to administrative bodies in time to come. The opinion of the court purports to introduce no new principle, and in failing to face the issue squarely, it is somewhat unsatisfactory. A more definite pronouncement on the subject may be hoped for in the near future.

MASTER AND SERVANT — WORKMAN'S COMPENSATION ACTS — WHETHER OCCUPATIONAL DISEASE IS AN "ACCIDENT." — The plaintiff's husband died from lead poisoning as a result of continuous exposure to red lead in the defendant's factory. The Workmen's Compensation Act of Michigan provides for compensation for "personal injuries," but in the title and in other parts of the act, "accidents" is the only word used. There is also a provision for notice "within ten days after the occurrence of the accident." *Held*, that the plaintiff is not entitled to compensation. *Adams* v. *Acme White Lead & Color Works*, 148 N. W. 485 (Mich.).

For a discussion of the question involved, see 27 HARV. L. REV. 766. The Massachusetts case there commented on may be reconciled with the principal case on the ground that the statute there speaks of "injuries," instead of "accidents," and contains no provision requiring the date of the injury to be definitely proved. Phraseology similar to that of the Michigan statute has led to the same result in England as in the Michigan case. *Broderick* v. *London County Council*, [1908] 2 K. B. 807.

NEGLIGENCE — DUTY OF CARE — VIOLATION OF TENEMENT HOUSE STATUTE REQUIRING FIRE ESCAPES. — A statute required that all tenement houses of